UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

In Re: Stephen W Schmitt Karen K Schmitt Debtor(s)	:	Case No: 17-50638
	:	Chapter 13 Judge: C KATHRYN PRESTON
	:	341 Meeting 3/15/17

CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION

Now comes Frank M. Pees, Standing Chapter 13 Trustee, and objects to the confirmation of the plan and requests that the Court enter an Order denying confirmation for the reasons set forth below and dismissing the case, pursuant to 11 U.S.C. §1307. This objection supersedes any prior objection filed in this case by the Trustee.

Above median income__X___ Below median income______

__X___ **11 U.S.C. §1325(a)(1)**-Plan does not comply with all provisions of Chapter 13 of Title 11 and the other applicable provisions of Title 11:

__X__Trustee is unable to accurately determine length. **Plan does not provide a dividend to unsecured creditors.**

Clarification required as to whether any of the debts disclosed as owed to the State of Ohio on Schedule D are entitled to priority status.

Clarification of value of 2013 Ford Focus required as value differs between plan and Schedule D.

Clarification of amounts of liens owed to State of Ohio and LVNV Funding required as amounts differ between plan and Schedule D.

Amount of pre-petition mortgage arrearage not disclosed in plan.

__X__Debtor has failed to file a complete list of creditors, statement of financial affairs, schedules including current income and expenses, or other filing requirements, pursuant to 11 U.S.C. § 521. **Debtors have not tendered their most recent tax returns or 60 days of pay advices to the Trustee.**

__X__Other: **Trustee unable to determine whether Debtors are above or below median income as Debtors' Form 122-C does not disclose any self-employments income. Additionally, Debtors' 122-C discloses alimony and maintenance income of $1,600.00 per month. Per 341 testimony, neither Debtor receives alimony or maintenance income.**

To verify that Debtors' Chapter 13 Plan satisfies the liquidation analysis of 11 USC 1325(a)(4), the feasibility requirement of 11 USC 1325(a)(6), and the disposable income requirement of 11 USC 1325(b), the Trustee requests the following documentation:
-Statement of gross business income along with ordinary and reasonable business expenses for any business entity being operated by Debtor Stephen Schmitt.
-12 month profit and loss statement for each of business being operated by Debtor Stephen Schmitt.
-List of assets and liabilities for any business being operated by Debtor Stephen Schmitt.
-12 months of business bank statements for any business being operated by Debtor Stephen Schmitt, with any business expenses identified.
-12 months of personal bank statements with any business expenses identified.
-Two years of personal and business tax returns (or business related schedules if separate business tax returns not filed).

__X__ **11 U.S.C. §1325(a)(4)**-Plan does not meet the best interest test.

__X__ Trustee is unable to accurately determine best interest as Debtor(s) have failed to provide an acceptable appraisal, pursuant to LBR 3015-3(e)(3).

__X__ Trustee is unable to accurately determine best interest. **Debtors have claimed exemptions in two cars that, according to Schedule A/B, are both titled solely to Debtor Karen K. Schmitt.**

__X__ **11 U.S.C. §1325(b)**-Plan does not meet disposable income test. **Schedule I does not disclose income received by Debtor Karen Schmitt from Consumer Choice Marketing.**

__X__ **11 U.S.C. Section 1326(a)(1**)-Debtor(s) have failed to tender the following pre-confirmation payments not later than 30 days from the filing of the plan or petition (whichever is earlier): **Debtors are $1,012 delinquent in funding of their first plan payment which came due on March 8, 2017.**

Pursuant to LBR 3015-2(a), amendments necessary to place the plan in a posture for confirmation must be filed at least ten (10) days prior to the hearing on confirmation set for April 06, 2017, unless Debtor(s) have entered into an Agreed Order with the Trustee and so are bound by the terms of that Order.

Therefore, the Trustee prays that confirmation is denied and this case be dismissed for cause pursuant to §1307(c).

TERMS OF THE PLAN:

Plan Payments: $2,025.00

Best Interest Dividend: 0% **Dividend: 0%**

Length: 0 Months

Dated: March 22, 2017

Respectfully submitted,

/s/ Frank M. Pees
Frank M. Pees
Chapter 13 Trustee
130 East Wilson Bridge Road #200
Worthington, Ohio 43085
(614) 436-6700
trustee@ch13.org

CERTIFICATE OF SERVICE

The undersigned hereby certified that on the date shown below a copy of the Trustee's Objection to Confirmation was served electronically on the Office of the United States Trustee and Debtor's attorney, and on the Debtor(s) at the address as currently shown in the Trustee's records by regular first class mail, postage prepaid.

Dated: March 22, 2017

/s/ Frank M. Pees
Frank M. Pees
Chapter 13 Trustee
130 East Wilson Bridge Road #200
Worthington, Ohio 43085-6300